

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

HOMESAFE INSPECTION, INC.

PLAINTIFF

VS.

CIVIL ACTION NO. 3:14cv209-SA-SAA

**JOHN HAYES, Individually, and d/b/a
HAYES HOME INSPECTIONS**

DEFENDANT

COMPLAINT

COMES NOW the Plaintiff, HOMESAFE INSPECTION, INC. (“Plaintiff” or “HomeSafe”), and files this, its Complaint against John Hayes, individually, and d/b/a Hayes Home Inspections (“Defendant”), and in support thereof, Plaintiff states the following:

PARTIES

1. Plaintiff, HomeSafe Inspection Inc., is a Mississippi Corporation whose principal place of business and mailing address is 1109 Van Buren Ave., Oxford, Mississippi 38655.
2. Defendant John Hayes is an adult resident of Mississippi who may be served at his place of business 387 CR 218, Corinth, Mississippi 38834, and who is neither incompetent nor a minor.

JURISDICTION AND VENUE

3. This is a Complaint for patent infringement arising under the patent laws of the United States, specifically 35 U.S.C. § 271 *et. seq.* This Court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

4. Upon information and belief, this Court has personal jurisdiction over Defendant due to the party's contacts within the State of Mississippi arising from the Defendant's past and/or continuing business transactions in this judicial district by, among other things, offering products and/or services to customers, affiliates, and partners in this District.
5. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b) and (c) and 28 U.S.C. § 1400(b), as Defendant has committed and continues to commit acts of patent infringement in this District.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 7,445,377 B2

6. HomeSafe realleges and incorporates by reference, as if fully set forth herein, all of the allegations contained in Paragraphs 1-5 of this Complaint.
7. Plaintiff owns the rights, title, and interest in, and has the standing to sue for infringement of, United States Patent No. 7,445,377 B2 (hereinafter "'377 Patent") titled "Non-Destructive residential inspection method and apparatus" duly and legally issued on November 4, 2008. A copy of the '377 Patent is attached hereto as Exhibit "A."
8. Upon information and belief, Defendant is currently marketing, using, and offering for sale services that infringe on Plaintiff's '377 Patent.
9. Upon information and belief, Defendant's infringement of the '377 Patent has been and continues to be willful and deliberate.
10. Upon information and belief, Defendant's infringement of the '377 Patent will continue unless enjoined by this Court.
11. As a direct and proximate consequence of Defendant's infringement of the '377 Patent, Plaintiff has suffered and will continue to suffer irreparable injury and damages in an amount not yet determined for which Plaintiff is entitled to relief.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, HomeSafe prays that this Court will enter judgment against the Defendant as follows:

- A. That the Court enter judgment that Defendant has infringed Plaintiff's '377 Patent;
- B. That Defendant, its officers, agents, employees, franchisees, and all others acting in privity or concert therewith, be preliminarily and permanently enjoined from any further sales or use of the infringing services and any other infringement of Plaintiff's '377 Patent, whether directly or indirectly, pursuant to 35 U.S.C. § 283;
- C. For damages to compensate Plaintiff for Defendant's infringement of Plaintiff's '377 Patent, pursuant to 35 U.S.C. § 284;
- D. For enhanced damages due to Defendant's willful infringement of the '377 Patent, pursuant to 35 U.S.C. § 284;
- E. For an award of pre-judgment and post-judgment interest and costs to Plaintiff in accordance with 35 U.S.C. § 284;
- F. For an award of Plaintiff's reasonable attorneys' fees pursuant to 35 U.S.C. § 285; and
- G. Any and all other such further relief as the Court may deem just, proper, and equitable under the circumstances.

RESPECTFULLY SUBMITTED, this the 23rd day of September, 2014.

HOMESAFE INSPECTION, INC.

BY: 

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